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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,232	05/31/2001	Amy E. Messner	10003386-1	2398

7590 08/04/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

BURGE, LONDRA C

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/872,232	MESSNER ET AL.	
	Examiner	Art Unit	
	Londra C Burge	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/31/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Original Application and IDS filed 5/31/2001
2. Claims 1-29 are pending. Claims 1, 15 and 25 are independent claims.

Claim Rejections - 35 USC § 102

3. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Stuppy U.S. Patent No. 6,146,148 filed 3/25/1999.**

In regard to independent claim 1, Stuppy discloses *receiving a publication profile from a requesting user* (Stuppy Abstract Lines 4-6 i.e. computer based assessment of the student produces a student profile); *creating a lesson plan from at least a subset of a plurality of information in accordance with the received publication profile* (Stuppy Col 11 Lines 49-54 i.e. teachers assign work, or to have work assigned automatically by the system in accordance with the student profiles); *and periodically generating the publication for delivery to at least the requesting user from at least a subset of content received from one or more content providers dynamically selected to*

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satisfy at least a subset of the lesson plan. (Stuppy Col 4 Lines 20-26 i.e. teacher sends instructional materials to each of the students and Col 28 Lines 16-21 i.e. State or local course differences, competencies, or other requirements and materials can be readily accommodated by the system. The system provides consistent administration and enables customization and enhancement for materials delivery, course content, initial and on-going assessment, and new skill development.)

In regard to dependent claim 2, Stuppy discloses *wherein the received publication profile includes information regarding an intended audience of the publication.* (Stuppy Col 4 Lines 57-60 i.e. the student profile contains, among other data, skill gaps which need to be filled by further instruction. Ongoing assessments during the use of the system are used to expand and update the profile).

In regard to dependent claim 3, Stuppy discloses *wherein the information regarding the intended audience of the publication includes at least one or more of: an average age of the audience, activities in which the audience is engaged, likes of the audience, dislikes of the audience, educational topics needing reinforcement in the audience, and the number of individuals in the audience.* (Stuppy Col 4 Lines 58-61 i.e. the student profile contains, among other data, skill gaps which need to be filled by further instruction. Ongoing assessments during the use of the system are used to expand and update the profile).

In regard to dependent claim 4, Stuppy discloses *delivering the generated publication to the requesting user.* (Stuppy Col 4 Lines 20-26 i.e. teacher sends instructional materials to each of the students)

In regard to dependent claim 5, Stuppy discloses *wherein delivering the publication includes one or more of printing the publication at a printing device denoted in the publication profile, sending the publication to an email address (es) denoted in the publication profile, and/or sending the publication to a facsimile machine at a telephone number denoted in the publication profile.* (Stuppy Col 27 Lines 26-29 i.e. the teacher can read what the students have written at any time, and can archive or print the student's work as needed.)

In regard to dependent claim 6, Stuppy discloses *wherein the publication includes an instructor subset of content and a student subset of content.* (Stuppy Col 31 Lines 57-61 i.e. a teacher workstation connected to the central processor, including a display for displaying teacher workbooks generated by the central processor, an input device for inputting teacher input data generated in response to the teacher workbooks and Col 31 Lines 62-63 and Col 32 Lines 1-5 i.e. a student workstation connected to the teacher workstation, including a display for displaying student workbooks, an input device for inputting student input data generated in response to instructional materials in the student workbook, and means for forwarding input data to the central processor to update the student profile data, including the skill gaps.)

In regard to dependent claim 7, Stuppy discloses *delivering at least the instructor subset of content to the requesting user.* (Stuppy Abstract Lines 10-17 i.e. the central processor generates a teacher workbook either directly or with input from the director workstation. The teacher, or teacher and director together, assemble an electronic student workbook containing instructional materials correlated with the

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student profile. The system tracks useful data such as instructional material (e.g., textbook pages, work sheets, software, simulations, tests, etc.) delivered to students.)

In regard to dependent claim 8, Stuppy discloses *delivering at least the student subset of content to one or more recipients denoted in the publication profile.* (Stuppy Col 32 Lines 8-10)

In regard to dependent claim 9, Stuppy discloses *delivering the periodically published publication to the requesting user* (Stuppy Col 4 Lines 20-26); *and delivering only the student subset of content to one or more recipients denoted in the publication profile.* (Stuppy Col 31 Lines 62-63 and Col 32 Lines 8-10)

In regard to dependent claim 10, Stuppy discloses *reviewing information in accordance with the publication profile* (Stuppy Col 7 Lines 25-28 i.e. review materials along with the student); *extrapolating lesson plan topic(s) based, at least in part, on the reviewed information* (Stuppy Col 11 Lines 46-54 i.e. Assign teaching steps for the teachers. If desired, the DE can review all information about a student and assign the instructional materials for GP, IP, PS and DP's to be used with the student. Yet it may be preferable in some instances to have teachers assign work, or to have work assigned automatically by the system in accordance with the student profiles.); *and developing a topical publication schedule, wherein each publication is devoted to at least a subset of the lesson plan topic(s) extrapolated from the reviewed publication profile.* (Stuppy Col 7 Lines 1-7 i.e. tailor the user environment to the grade level or subject taught)

In regard to dependent claim 11, Stuppy discloses *comparing information received in the publication profile against an educational development profile* (Stuppy

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Col 8 Lines 1-7); *and identifying lesson plan topic(s) from topics appearing in both the publication profile and the educational development profile.* (Stuppy Col 7 Lines 15-19)

In regard to dependent claim 12, Stuppy discloses *comparing content available from one or more content providers against the lesson plan to identify content that satisfies one or more lesson plan topics* (Stuppy Col 8 Lines 1-7); *selecting a lesson plan topic based, at least in part, on the available content* (Stuppy Col 3 Lines 52-55); *and generating a publication comprising one or more of an instructor subset of content and/or a student subset of content, in accordance with a format denoted in the publication profile.* (Stuppy Col 29 Lines 20-24)

In regard to dependent claim 13, Stuppy discloses *iteratively repeating the step of periodically generating the publication utilizing new content until all of the lesson plan topics of the dynamically created lesson plan are exhausted.* (Stuppy Col 11 Lines 12-16 i.e. delivery process repeated)

In regard to dependent claim 14, Stuppy discloses *a storage medium comprising a plurality of executable instructions which, when executed by a computing system.* (Stuppy Col 10 Lines 53-60 i.e. the software provides for the storage, retrieval and delivery of instructional materials, and input in response to the instructional material)

In regard to independent claim 15, Stuppy discloses *a storage device for storing publication content received from one or more content providers* (Stuppy Col 10 Lines 53-60 i.e. the software provides for the storage, retrieval and delivery of instructional materials, and input in response to the instructional material); *and an edit module, coupled to the storage device, to periodically generate and deliver a targeted*

publication from content stored in the storage device to satisfy at least a subset of a lesson plan dynamically generated in accordance with a publication profile received from a requesting user. (Stuppy Col 8 Lines 1-7) (Stuppy Col 3 Lines 52-55) (Stuppy Col 29 Lines 20-24)

In regard to dependent claim 16, Stuppy discloses *a knowledge module, coupled to the edit module, to receive and maintain publication profiles for each of a plurality of requesting users. (Stuppy Abstract Lines 4-6 i.e. produces a student profile) (Stuppy Col 32 Lines 8-10)*

In regard to dependent claim 17, Stuppy discloses *wherein the edit module dynamically generates the lesson plan from at least a subset of information contained within the publication profile of a requesting user, the lesson plan including one or more educational topics which are emphasized in the targeted publication(s). (Stuppy Col 8 Lines 1-7) (Stuppy Col 3 Lines 52-55) (Stuppy Col 29 Lines 20-24)(Stuppy Col 31 Lines 62-63 and Col 32 Lines 8-10)*

In regard to dependent claim 18, Stuppy discloses *wherein the edit module generates the lesson plan by comparing information received in the publication profile against an education profile to identify suitable educational topics. (Stuppy Col 8 Lines 1-7) (Stuppy Col 7 Lines 15-19)*

In regard to dependent claim 19, Stuppy discloses *wherein the edit module selects an educational topic from the lesson plan and assembles content from at least the storage device to generate the publication. (Stuppy Col 3 Lines 52-55)(Stuppy Abstract Lines 12-17)*

In regard to dependent claim 20, Stuppy discloses *wherein the edit module actively solicits one or more content providers for current information associated with the educational topic of a targeted publication.* (Stuppy Col 7 Lines 1-7 i.e. tailor the user environment to the grade level or subject taught)

In regard to dependent claims 21 and 28, claim 21 and 28 reflect similar subject matter claimed in claim 6 and is rejected along the same rationale.

In regard to dependent claim 22, claim 22 reflects similar subject matter claimed in claim 7 and is rejected along the same rationale.

In regard to dependent claim 23, claim 23 reflects similar subject matter claimed in claim 8 and is rejected along the same rationale.

In regard to dependent claim 24, claim 24 reflects similar subject matter claimed in claim 9 and is rejected along the same rationale.

In regard to dependent claim 25, Stuppy discloses *a storage device comprising a plurality of executable instructions which, when executed on a computing system, implement an edit module to review information contained within a publication profile of a user requesting periodic delivery of a publication and dynamically generate a lesson plan* (Stuppy Col 10 Lines 53-60 i.e. the software provides for the storage, retrieval and delivery of instructional materials, and input in response to the instructional material) (Stuppy Col 7 Lines 25-28 i.e. review materials along with the student) (Stuppy Col 4 Lines 20-26 i.e. teacher sends instructional materials to each of the students and Col 28 Lines 16-21 i.e. State or local course differences, competencies, or other requirements and materials can be readily accommodated by the system. The system provides consistent administration and enables customization and enhancement

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for materials delivery, course content, initial and on-going assessment, and new skill development.), *wherein the edit module utilizes the lesson plan to periodically generate a targeted publication of content associated with educational topic(s) for delivery to at least the requesting user.* (Stuppy Col 8 Lines 1-7) (Stuppy Col 3 Lines 52-55) (Stuppy Col 29 Lines 20-24)

In regard to dependent claim 26, Stuppy discloses *wherein the edit module generates the lesson plan by comparing information contained within the publication profile against an educational profile to identify educational topics which may be of interest to members of a recipient list denoted in the publication profile.* (Stuppy Col 8 Lines 1-7)(Stuppy Col 29 Lines 50-58)

In regard to dependent claim 27, Stuppy discloses *wherein the members of the recipient list are students of the requesting user.* (Stuppy Abstract)

In regard to dependent claim 29, Stuppy discloses *wherein the edit module selectively delivers at least the instructor subset of content to the requesting user* (Stuppy Abstract Lines 10-17 i.e. the central processor generates a teacher workbook either directly or with input from the director workstation. The teacher, or teacher and director together, assemble an electronic student workbook containing instructional materials correlated with the student profile. The system tracks useful data such as instructional material (e.g., textbook pages, work sheets, software, simulations, tests, etc.) delivered to students.), *and only the student subset of content to members of a recipient list denoted in the publication profile.* (Stuppy Col 31 Lines 62-63 and Col 32 Lines 8-10)

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Conclusion

5. **The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.**


Siefert U.S. Patent No. 6,334,779 B1 issued 1/1/2002

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Londra C Burge whose telephone number is 703-305-8784. The examiner can normally be reached on 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Londra Burge
7/13/04


STEPHEN S. HONG
PRIMARY EXAMINER